

The First Division consisted of the regular members and in addition Referee Marty E. Zusman when award was rendered.

PARTIES TO DISPUTE: (Joe Elizalde
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(The Texas-Mexican Railway Company

STATEMENT OF CLAIM:

"Requesting that my full seniority (January 17, 1980) date be restored as I feel I was treated with bias when I was rehired in 1989 as a new employee, and, also restoration of all time lost plus arbitraries."

FINDINGS:

The First Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

After full consideration of the instant dispute, the Board must dismiss the instant Claim for failure to comply with the jurisdictional mandates of the Railway Labor Act, as amended. There is no record of an unadjusted dispute on the property. The Board is unable to consider this Claim as Agreement provided steps of appeal were not followed. This Claim was not properly progressed on the property and stands de novo, without being handled in the "usual manner" as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the Board.

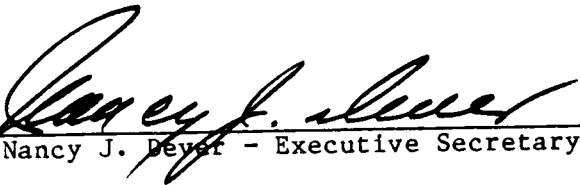
Even if, arguendo, we had jurisdiction, which we do not, the case at bar would be denied. Claimant was furloughed and then recalled to service on October 26, 1987, by certified mail. Article 77 provides Claimant 15 days to report. Carrier sent an additional recall letter dated November 18, 1987, which was returned "unclaimed." Claimant was notified by letter of January 6, 1988, by certified mail that he had been removed from the seniority roster. A review of the record indicates that Carrier complied with the Agreement. Claimant failed to file a proper address. Claimant and not the Carrier

failed to follow the Agreement. When the Claimant failed to file a proper address with the Carrier, he failed to protect his employment. This dispute reached the Board without any on property Claim having been filed with a Carrier officer. Therefore the Board lacks jurisdiction to consider the Claim.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of First Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 5th day of August 1992.